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ATTORNEY FOR FORD MOTOR CREDIT COMPANY LLC

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:	§	
	§	
SHAWN & JENNIFER WEAVER,	§	CASE NO. 11-70435-HDH-13
DEBTOR(S)	§	
	§	
FORD MOTOR CREDIT COMPANY LLC,	§	Objection to Confirmation
	§	Set:
MOVANT(S)	§	DECEMBER 21, 2011 AT 8:30 A.M.
	§	
VS.	§	
	§	
SHAWN & JENNIFER WEAVER,	§	
RESPONDENT(S)	§	

OBJECTION TO CONFIRMATION

TO THE HONORABLE U.S. BANKRUPTCY JUDGE:

COMES NOW, Creditor, objecting to the confirmation of the Chapter 13 Plan proposed by Shawn & Jennifer Weaver ("Debtor(s)") and for cause of action would respectfully show the Court as follows:

1. Creditor has a perfected security interest in a 2007 Ford Edge, vehicle identification number 2FMDK48C37BA71358. As of the date of filing, Creditor was owed \$8,958.53.
2. The scheduled amount/claim amount should be \$8,958.53.
3. Creditor is entitled to set and equal monthly payments pursuant to 11 U.S.C. § 1325(a)(5)(B)(iii)(I), beginning as of the effective date of the Chapter 13 Plan. "Average" payments, "pro-rata" payments, variable payments and/or step payments that begin in any month other than month one contravenes 11 U.S.C. § 1325(a)(5)(B)(iii)(I) which requires equal and set monthly

payments to the Creditor beginning in month one of the Chapter 13 Plan, which is defined as the first month payment is due to the Trustee pursuant to 11 U.S.C. §1326 (a)(1).

4. Section IV of the Debtors Chapter 13 Plan states that secured creditors, listed in Sections D, E(1), and E(2) of this plan will receive payments as set-out in the "Adequate Protection Disbursements" until the attorney fees set-out in Section C are paid in full. This is unacceptable to Creditor. Adequate Protection Disbursements are payments made to the Creditor until confirmation of the Chapter 13 Plan. Once the Plan confirms, Creditor is entitled to regular full trustee disbursements in set and equal monthly disbursements made by the Chapter 13 Trustee following confirmation pursuant to 11 U.S.C. § 1325(2)(5)(B)(iii)(I). What counsel for the Debtors is attempting by this language is a violation of the statutory provisions.

WHEREFORE, PREMISES CONSIDERED, Creditor prays for an Order of this Court:

1. Denying confirmation of Debtor(s) Chapter 13 Plan as proposed; and
2. For such other and further relief, both general and specific, to which Creditor may show itself justly entitled.

Respectfully submitted,

/s/ Pamela Arnold Bassel

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ATTORNEY FOR FORD MOTOR CREDIT
COMPANY LLC

CERTIFICATE OF CONFERENCE

I, the undersigned, hereby certify that prior to the filing of this Objection, I did the following:

My office contacted Debtors' attorney or Debtors' attorney's assistant and was advised that there is no opposition to the Objection.

/s/ Pamela Arnold Bassel

Pamela Arnold Bassel

Stephen G. Wilcox

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Objection to Confirmation was served by FIRST CLASS MAIL, POSTAGE PRE-PAID on:

Shawn Weaver
4910 Kitty St.
Wichita Falls, TX 76310

Jennifer Weaver
3118 Seymour Hwy
Wichita Falls, TX 76310

and ELECTRONICALLY FILED on:

Monte White
1106 Brook Avenue
Hamilton Place
Wichita Falls, TX 76301

Walter O'Cheskey
6308 Iola Avenue
Lubbock, TX 79424

Office of the U.S. Trustee
1100 Commerce, Room 9C60
Dallas, Texas 75242

Dated on November 9, 2011.

/s/ Pamela Arnold Bassel
Pamela Arnold Bassel

1702-32854-308102